

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MELINDA M. TURNER,

Plaintiff,

v.

JAMES B. PEAKE,

Defendant.

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No. 4:08-CV-1910 CAS

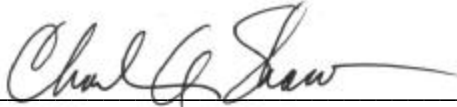
**ORDER**

Plaintiff's counsel, David Swimmer, has filed a document in this case entitled "Plaintiff's Attorney Withdrawal." [Doc. 30] In this document, Mr. Swimmer refers to the Missouri Rules of Professional Conduct and states, in a conclusory matter, that he had "no choice but to withdraw" from this case. The Court will construe this document as a motion to withdraw as counsel.

In general, the Court does not grant motions to withdraw as counsel unless substitute counsel has entered an appearance. However, if Mr. Swimmer believes there are ethical considerations that would require him to withdraw as counsel for plaintiff Melinda Turner before another attorney has entered an appearance, he may file a proper motion to withdraw. Any such motion should contain a detailed explanation of the need to withdraw. If appropriate, the motion or any attachments thereto may be filed ex parte in conformance with Section VI. C of the Administrative Procedures for Case Management/Electronic Case Filing.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's counsel's motion to withdraw as counsel, improperly filed as a document entitled "Plaintiff's Attorney Withdrawal," is **DENIED** without prejudice. [Doc. 30]

  
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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 9th day of December, 2009